

Serial No. 10/615,581

**REMARKS**

Claims 1-4 and 6-26 were pending and rejected. Claims 2 and 12 have been cancelled.

Claims 27-28 are added.

Claims 1, 11, 13-26 have been rejected as anticipated by Wallace (US 2003/0040858).

Claim 1 has been amended to include the elements of claim 2. Claim 11 has been amended to include the elements of claim 12.

Claim 16 recites, "determining a position of a head of an occupant of the vehicle seat."

Wallace does not determine a position of the occupant's head. In paragraph [0088], referenced by the Examiner, Wallace describes how some occupants may sit in different positions or even alter their head position. Wallace's invention seeks an accurate measure of the occupant's weight independently of whether the occupant is leaning in the seat. However, Wallace does this without actually determining the position of the occupant's head. In other words, Wallace is only acknowledging that varying positions of the occupant's head can affect the load measurements, but Wallace seeks to obtain measurements in the base of the seat that are independent of the occupant's head, without actually determining the position of the occupant's head. Therefore, claim 16 is not anticipated by Wallace.

Claim 21 also recites, "determining a position of a head of an occupant of the vehicle seat" and "determining whether the occupant is leaning against the seat back based upon" head position and seat angle. Again, Wallace only states that occupant's can move their heads and only states that occupants can lean against seat backs. He does not actually determine the position of the occupant's head or determine whether the occupant is leaning against the seat back.

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Claims 1, 2, 11-13 and 16 are rejected as obvious over Stanley (US 6,703845). Stanley does not disclose an empty seat threshold. Nor does Stanley disclose determining whether a child seat is present based upon both a capacitance and the empty seat threshold. The Examiner references column 5, lines 30-39 of Stanley for disclosing the use of a threshold; however, this threshold is for the capacitance measurement, not for a load measurement. As far as can be determined from Stanley, it is sufficient to use only the capacitive threshold to determine whether a child seat is present, which is contrary to the claimed invention which requires a capacitive measurement and a weight measurement. Therefore, claims 1 and 11 are patentable over Stanley.

Claim 16 recites, "determining a position of a head of an occupant of the vehicle seat." Stanley does not determine a position of the head of an occupant. The Examiner argues that determination of any position information in Stanley inherently discloses the position of the occupant's head. First, this is incorrect, since Stanley does not attempt to discern head position from these determinations and these determinations could not be used to accurately determine head position. Additionally, claim 16 also recites, "classifying the occupant based upon" the measured load and head position. Stanley does not disclose classifying the occupant (i.e. height, weight, child, etc) based upon measured load and head position. "Classifying" an occupant is distinct from determining the position of the occupant.

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Claims 3, 4, 6-8, 14-15 have been rejected as obvious over Stanley in view of Owechko (6,801,662). First, the Examiner acknowledges that Stanley does not determine head position, which supports Applicants position with respect to claim 16 (previous paragraph). With respect to claim 4, even if a head tracking system were added to a vehicle having the Stanley system, there is no suggestion in either reference for using the head position information for calculating occupant weight.

Stanley does not disclose comparing the head position to the vehicle seat to determine an inclination of the occupant, as recited by claim 7. First, Stanley does not determine head position. Additionally, the "head position" recited in claim 7 is the head position determined by the head tracking system recited in claim 4 and there is no suggestion for comparing the head position from a head tracking system to a vehicle seat to determine inclination of an occupant.

The Examiner has offered no motivation or suggestion for modifying Stanley to use inclination of the occupant to determine a weight of the occupant. Even a disclosure (as suggested by the Examiner) that "weight and position" can be used for controlling an airbag in no way suggests using position to determine weight. Therefore, claims 8 and 15 are patentable.

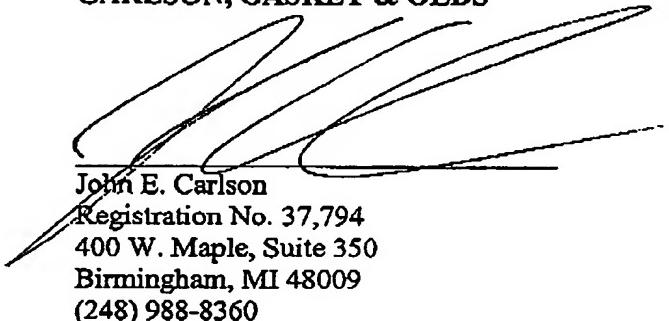
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Claims 9-10 and 18-20 have been rejected as obvious over Stanley and Owechko and further in view of Breed (US 6,412,813). None of thecsc references discloses comparing an angle of the occupant to an angle of the seat back in order to determine whether the occupant is leaning against the seat back, or determining the weight of the occupant based upon whether the occupant is leaning against the seat back. Although there is no motivation for doing so, simply "adding a seatback angle sensor" as suggested by the Examiner is insufficient. There would still be no suggestion to use that angle measurement as claimed. Therefore, claims 9-10 and 18-20 are patentable.

It is believed that no fees are due. If any fees or extensions of time are required, please charge to Deposit Account No. 50-1482.

Respectfully submitted,

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